| UNITED STATES DISTRICT CO SOUTHERN DISTRICT OF NE | W YORK | x | |
|------------------------------------------------------|-------------|--------|----------------------------|
| JASON M. SMITH, | | : | |
| | Plaintiff, | : | No. 21-CV- 6086 (RA) (OTW) |
| -against- | | : | ORDER |
| JIMMY GUTIERRES, et al., | | : | |
| | Defendants. | : : | |
| | | : x | |

ONA T. WANG, United States Magistrate Judge:

The parties are directed to appear for an in-person status conference **on August 9, 2022** at **11:00am** in Courtroom 20D, at 500 Pearl Street, New York, NY 10007. The parties must be prepared to meet and confer on the status of discovery, including what discovery is outstanding. *Pro se* Plaintiff is cautioned that if he fails to appear, his case may be dismissed for failure to prosecute.¹

Defense counsel is directed to send a copy of this Order to *pro se* Plaintiff and file proof of service on the docket.

SO ORDERED.

s/ Ona T. Wang

Dated: New York, New York

July 1, 2022

Ona T. Wang

United States Magistrate Judge

¹ Courts have the power, under Rule 41, to dismiss a case for failure to comply with court orders, treating such noncompliance as a failure to prosecute. *See Simmons v. Abuzzo*, 49 F.3d 83, 87 (2d Cir. 1995). "Courts have repeatedly found that dismissal of an action is warranted when a litigant . . . fails to comply with legitimate court directives." *Robinson v. Sposato*, No. 13-CV-3334 (JFB) (WBW), 2014 WL 1699001, at *1 (E.D.N.Y. Apr. 24, 2014) (quotations omitted).